

# ABC Reform FAQs

## Answers to Frequently Asked Questions about Appointed Boards & Commissions Reforms

*The following answers respond to questions from ABC Staffers about proposed policy reforms related to creation, classification, and operation/management of appointed boards and commissions (ABCs) in the City of Minneapolis.*



**1) When advisory boards are recreated by resolution, will staff have input in those new resolutions?**

Yes, those enabling resolutions will be created with input from all interested stakeholders; that includes, but is not limited to, the appointing authorities (Council and Mayor), department leadership, ABC staff, and the offices of City Clerk and City Attorney.

**2) What role will staff have in the screening of applications? According to Section 10.50(b)(1), the appointing authorities (Council and Mayor) are responsible; will staff be involved?**

Yes, ABC staff will absolutely have a role in the recruitment and screening processes. It is not the intent of the ordinance to remove staff; however, it is the intent to provide consistent structure into those processes, as well as getting more engagement and active participation from appointing authorities. The envisioned selection process would involve an initial staff screening of applicants leading to a presentation of recommended nominations for the Council and Mayor, and the actual appointments would then be made from those recommended nominations. That subsection of the draft ordinance is just noting the appointing authorities are responsible for overseeing the process, not managing the process. The level of engagement for individual elected officials will—as always—vary and, ultimately, be left to their discretion. As professional staff, it is our goal to provide a process that will work consistently regardless of the level of individual engagement we achieve from elected officials. The Clerk's Office believes all elected officials are interested in improving these procedures and support having staff take an active role in driving recruitment and selection processes.

**3) According to Section 10.50(e)(2), all appointments must be approved by the Council. Does that also include confirming the Mayoral appointments? Or would the enabling resolution specify otherwise?**

As is true today, the City Council and the Mayor act in partnership to process appointments. Unless there is a legal provision to the contrary, all appointments are “official acts” that require an affirmative vote by the majority of City Council and approval by the Mayor as part of the standard legislative process. Thus, the ordinance doesn't propose any change from the existing appointment policy and how it functions today.

**4) My understanding has been that the ordinance allows for qualified seats that are appointed by outside agencies, but that Council would still have to support including that in an enabling resolution. Is that still the case?**

Correct, the City Council can establish the qualifications and appointing authority for any seat on any advisory body that it creates.

**5) Regarding next steps, do you have a timeline yet for when we'll get around to redoing the enabling resolutions for ABCs that are on the Spring cycle?**

The goal is to seek enactment by mid-year—June or July—to give sufficient time for the work of implementing these reforms. Assuming the ordinance is enacted on that general timeline, staff would begin immediately on drafting the necessary resolutions to recreate and/or create each advisory board, as directed in the draft ordinance. As noted, the template resolution to establish an advisory body would be the starting point, with a resolution specific to each advisory body developed after input from all key stakeholders. The ordinance has been drafted to be effective January 1, 2024, to provide sufficient time to complete the drafting of resolutions for advisory bodies and the requisite actions on all those resolutions during the interim period before the new ordinance would become effective in the new year.

**6) How will bodies that were created by legislation that does not fit their new designation in the classification system be handled?**

Advisory boards created by ordinance will need to be recreated with a new resolution to align with the new classification structure.

**What is the timeline for that?**

There is no specific timeline yet; see the answer to #5 above for general timeline. Some of this work will carry forward into 2024, depending on how work is prioritized.

**7) If City employees are currently appointed to an advisory board, are they automatically and immediately removed from their seat or can they finish their term?**

Recreating an advisory board with a new enabling resolution formally ends the old body and creates a new one. Thus, when the new bodies created under the new enabling resolutions are convened, they would not include employee seats and so employees would then no longer be members.

**8) If members have been on the board for over eight years already, can they serve another eight years after the effective date, or will their existing service disqualify them?**

The term limit allowing consecutive service of up to eight years will begin on the effective date of the ordinance (January 1, 2024), assuming the general timeline described above.

**a. Is there a required amount of time they'd have to be off before they would be eligible to serve again?**

The ordinance indicates only that a member cannot serve more than eight consecutive years. With staggered appointments, a member could theoretically be reappointed with the next term, so effectively the interim period would be a minimum of at least one year.

**b. What if they reach eight years in the middle of their term?**

They will be able to finish the term but would not be eligible to be reappointed for at least one year after the end of that term.

**9) How will membership move from being appointed all at once to half of the body being appointed annually? Will some seats be 1-year terms, and some be 2-year terms? How is that determined?**

The ordinance does not specify how the transition to staggered terms will be accomplished. As typically done with the creation of new ABCs with staggered terms, there would likely be initial terms of one and two years, with all subsequent terms after the initial appointments being for two years. That would be addressed as part of the organizational process for the new or re-established advisory boards after new enabling resolutions are adopted.

- 10) **Section 10.60(f)(2) States that “[v]acant seats shall be filled in the same manner as the original appointment. If a vacancy occurs before the expiration of a term, the appointing authority may appoint a successor for the unexpired portion of the term.” What does this mean in practice? Will applications still expire after twelve months?**

Applications will still be valid for a period of up to twelve months from receipt, and any valid applications could be used to fill an unexpected vacancy. The vacancy will be filled for the amount of time remaining on the term of the member who vacated the seat – usually referred to as the “unexpired term.”

- 11) **Section 10.709(e) states in part “[i]f a member is consecutively absent from a number of meetings that is greater than one-third (1/3) of the body’s regularly scheduled meetings in the calendar year (January through December), the body must bring these absences to the attention of the city clerk, who will advise the appointing authority of the absences. The appointing authority may take any action it deems appropriate up to and including removal of the member, if not otherwise prohibited by law.” What about if a member has a health related or other personal issue that precludes them from serving for a period of time greater than allow by ordinance?**

While the ordinance requires absences to be reported, it does not mandate any particular action by the appointing authorities. The appointing authority can take any action it deems appropriate. Presumably, appointing authorities would wish to consider the reason for the absences when determining the appropriate action to take.

- 12) **Will the required orientation program be available online?**

Yes, the intention is that members will be able to complete the required orientation online and asynchronously. This online orientation module is currently in development, but it may not be ready in time for the effective date of the ordinance (January 1, 2024). Until an online program is available, the City will provide in-person orientation. This mandatory orientation and training can—and should—be supplemented with training specific to each advisory body, usually provided by the staff assigned to support the particular body.

- 13) **What about member compensation?**

Compensation, if any, will be determined by policymakers as part of the enabling legislation creating the body, as is true today. This is a decision that falls outside the scope of structural and procedural policy changes that are being proposed by the Clerk’s Office, as communicated many times.

**a. How about stipends for childcare, food, or parking/transit?**

Same as above; this is a decision that is not contemplated in this ordinance.

- Childcare stipends would fall under the above compensation question and would need to be expressly provided for in the enabling legislation, as well as meeting all legal requirements.
- Funding for food is subject to the application of public purpose doctrine and the City’s compliance with other relevant laws and policies.
- Within the funds allocated to them, and within all applicable laws and policies, departments have the discretion to use budgets to reimburse parking and transit expenses.

**b. What if a board needs funding to fulfill its duties?**

Any such funding would need to be addressed in the enabling legislation and coordinated with the supporting department on an annual basis.

**14) How does the Minnesota Open Meeting Law impact ABCs? Can you give more detail on what requirements exist and what is changing?**

The City Attorney's Office has determined that ABCs with decision-making power are subject to the requirements of the Minnesota Open Meeting Law [Minnesota Statutes Chapter 13D]. For all other groups, the ordinance—as drafted—would require that meetings must be open to the public, held in City-owned facilities, and conducted according to a regular meeting schedule that is available to the public.

Also, to maintain a consistent set of policies for all ABCs, the same requirements of calendaring and posting of agendas, etc., will be set by the City Clerk acting in the capacity as Executive Secretary of all ABCs. These requirements will ensure that ABC work is done in an open and transparent manner freely and easily accessible to the community.

**15) Why are we being restricted to meeting in City owned facilities?**

Both because we want to ensure all meetings are conducted in facilities we know are open and ADA accessible, and because there are legal questions/concerns about using privately-owned facilities to conduct public business. This use may constitute a gift to the City.

**Some ABCs meeting in parks or libraries, can we continue to do that?**

The Minneapolis Park and Recreation Board is a City department created in the City Charter, so their facilities would be covered under this ordinance. We are considering whether the ordinance could be expanded to include use of county or state facilities such as libraries, as well as facilities that are leased by the City.

**16) How will the new reporting requirements be implemented? What is the level of detail? What will the timing be for these reports?**

The Clerk's Office will develop the forms to be used for the annual work plans and reports. These forms will be generic and adaptable enough to be used for any ABC. These are envisioned as a means of keeping the City Council and Mayor apprised of ABC activities and how those activities align with City goals and plans. Timing is yet to be determined; however, it is likely that the work plan would be developed in the first few meetings of each year and submitted to elected policymakers during the first quarter with the annual reports being submitted in the final months of each year, certainly prior to the last regular meeting of the City Council each year.

**17) In Section 10.2.3 it says the role of advisory bodies is to create and review proposals and make recommendations. Some advisory boards currently only review proposals and make recommendations. Will they be able to continue functioning as they currently are, only reviewing proposals and making recommendations, and not be required to also create proposals?**

The scope and nature of the work that any advisory board does will depend on the enabling resolution. The broader language in the ordinance is intended to cover a variety of potential functions appropriate to advisory boards. However, not all advisory boards will necessarily have to do all those potential types of work. Those are matters to be defined in the specific enabling resolution creating each advisory board. If there is consensus among stakeholders that *creating proposals* should be outside the scope of a particular advisory board, the Clerk's Office will not object.